IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.27026 of 2008
MD.JABIR SON OF KISHUN YADAV, RESIDENT OF VILLAGE TAR TER ASTABAD, P.S. GHOSWARI, DISTRICT PATNA.
Versus
THE STATE OF BIHAR

3/ 10-02-2009 Heard.

The petitioner is younger brother of the husband of the informant who undisputedly was married to Kamlesh Prasad Yadav, some time three years prior to the filing of the report. The lady stated that in spite of getting some gifts and money, as indicated in the F.I.R. the accused persons like the husband and the present petitioner were asking for more of it. The lady was not feeling well and while she was residing at her father's house because Gouna ceremony had not been performed, all of a sudden she received information from her husband to come to Bhakhtiarpur where she could be treated by a doctor. But while reaching Bakhtiarpur she was told that the doctor was not available and she was proposed to witness a movie in a particular talkies and while she was coming back to her father's house after alighting from a train on a particular station, it is alleged that her husband attempted to strangulate her and also dealt blows with knife to the lady. The petitioner also attempted to gag her. The lady stated that she fell unconscious and the two accused persons, i.e., the petitioner and his younger brother had put her at the Railway line When the lady regained consciousness, she was sent to the hospital.

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Contention is that there is no injury on part of the body and the specific injury on her fingers as alleged she received while catching

the knife when she was being attempted to be injured. The further contention is that of course some injuries were on other parts of the body but they never were corresponding to the allegation. Except that the lady was residing at her father's house and had not come the house of the petitioner, there is no tangible evidence, as submitted. It is true that the doctor has not reported the injuries, specifically on the fingers of the lady but on perusal of paragraph 39 of the case diary it appears that the I.O. indicated about injury no.3 by stating that the left finger was cut and bleeding and those were corresponding to the allegation. This could be certainly indicated that now a days the doctors are also practicing all tricks which may not be part of their profession. The petitioner is a lady and there is no other reason to implicate her husband.

The petition is dismissed.

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BTiwary/ (Dharnidhar Jha, J)